

that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Giancarlo, Quintenz, and Behnam nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar No. 98, the nomination of Althea Coetzee to be Deputy Administrator at the SBA; that the nomination be confirmed and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

IN THE SMALL BUSINESS ADMINISTRATION

Althea Coetzee, of Virginia, to be Deputy Administrator of the Small Business Administration.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 5 p.m. on Tuesday, September 5, the Senate proceed to executive session for consideration of Calendar No. 171, the nomination of Timothy Kelly to be U.S. district judge for the District of Columbia. I further ask that there be 30 minutes of debate on the nomination, equally divided in the usual form; that following the use or yielding back of time, the Senate vote on confirmation with no intervening action or debate; and that if confirmed, the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

NOMINATIONS

Mr. MCCONNELL. Mr. President, the Senate has confirmed more executive branch nominees this week than all of the executive branch nominees confirmed this year—combined. This was an important step toward filling critical roles throughout the administra-

tion, including the Deputies of multiple Cabinet offices that had been lacking these key positions.

Moving forward, I hope this agreement represents the way forward on confirming nominees so our government can be fully staffed and working for the American people.

The PRESIDING OFFICER. The majority whip.

SENATE ACCOMPLISHMENTS AND THE BUILDING AMERICA'S TRUST ACT

Mr. CORNYN. Mr. President, I congratulate the majority leader for securing these important confirmations of nominees who have been waiting, for no good reason, simply to get an up-or-down vote and get confirmed. This is a big day, with roughly 65 nominations confirmed just here in the last few minutes—things that should have been handled but for the obstruction and foot-dragging of our colleagues across the aisle.

I want to focus for just a minute on things we have been able to do, notwithstanding the lack of cooperation of our colleagues across the aisle since this new administration came into office.

I know the focus of the press—and, frankly, some of our own focus—has been on the unfinished business, like healthcare reform. I can assure my colleagues that issue is not going away and gets more difficult to address as each day goes by.

Perhaps one of the most significant things we have done in the last few months is confirm Neil Gorsuch as a Justice on the Supreme Court. It is undeniable that Judge Gorsuch is a qualified, high-caliber nominee, and he is already serving our Nation well on our highest Court.

We have also worked together with the President to deliver legislation that is a priority for our veterans and police departments around the Nation. The American Law Enforcement Heroes Act, which I was proud to sponsor, will help our returning veterans continue to serve their country by creating incentives for police departments to hire them once they take off their military uniform and put on a new uniform as a member of local police departments. This legislation will help keep our communities safe while supporting those who have served our country. I am proud we were able to work together on a bipartisan basis to make it the law of the land.

On this side of the aisle, we are absolutely committed to helping businesses and job creators do what they do best—innovate, create more jobs, and employ more people—and not waste time dealing with onerous rules and regulations. With a friend in the White House—somebody sympathetic to the needs to grow the economy, create more opportunities, and let people pursue the American dream—we have been able to finally deliver some relief to the American people.

One of the ways we have done that is through one of the more obscure laws, perhaps—but one we have brought to life—the so-called Congressional Review Act. Until just this year, I think the Congressional Review Act had been used only one time to repeal the ergonomics rule years ago.

The Congressional Review Act was created to give Congress an opportunity to do away with or repeal regulations which were put in place as the Obama administration was headed out the door. Using these Congressional Review Acts, and with an ally in the White House, we undid some of the thousands of burdensome rules and regulations created by the Obama administration—rules and regulations which added up to a hefty pricetag for our country and which have strangled our economic recovery since 2008 and the great recession.

That is not all. We have also passed important bipartisan legislation imposing tough sanctions on Iran, Russia, and North Korea.

In the case of Iran, the overwhelming vote was a strong message that the United States will not tolerate Iran's complicity in terror and is a clear indicator of just how important this legislation is. Now, most people listening to me would be surprised we did this because, frankly, there wasn't a whole lot of coverage about it because it was done with such broad and overwhelming bipartisan support, but it is important, and it is an important signal to our adversaries in other countries that we will not sit idly by and leave our Nation undefended and their acts undeterred.

This week, we continue to build on these additional accomplishments for our veterans. I commend, in particular, the Senator from Georgia, Mr. ISAKSON, for his great work in getting these bills passed.

Over the last several years, we have heard about VA facilities across the State of Texas and across the country which have been plagued by inefficiency, unaccountability, and quality of care issues. The VA has been hindered by unnecessary bureaucratic hurdles which have been incredibly frustrating and costly for our veterans. The Veterans Choice Program was created to fix that by ensuring veterans can receive timely appointments close to home. The VA Choice and Quality Employment Act, which we passed earlier this week, continues that program and guarantees veterans that they will continue to have access to care without interruption.

Of course, we still have additional work to do before leaving for the August work period. There are still vacancies in the executive branch that need to be filled. In order for President Trump to do the job he was elected to do on November 8, he needs his team in place. While I am glad that today, just a few moments ago, roughly 65 of his Cabinet nominees and sub-Cabinet nominees were confirmed, I hope our

colleagues across the aisle will stop their stall tactics so we can confirm the rest of the nominees of this administration.

I congratulate the Senator from Tennessee, the chairman of the Health, Education, Labor, and Pensions Committee, for the work he did to see passage of the Food and Drug Administration User Fee Program. This is an incredibly important, although somewhat obscure, law that helps establish partnerships between the private and public sector which ensure patients have access to safe and effective drugs and medical devices, while also maintaining the position of the United States as a global leader in medical innovation.

It is simple. Faster approvals mean treatments and cures reach patients sooner, and increased competition leads to lower cost, and that, in turn, leads to more lives saved.

I also congratulate Senator JOHNSON from Wisconsin. He has been trying to get this bill called the Right to Try Act, which passed unanimously earlier today. This is designed to give dying individuals one last chance to try perhaps sometimes experimental medications to see if that will help them extend their quality of life and their longevity. I know he feels passionately about it, and I congratulate him for his leadership and perseverance.

With these remaining items, it is clear we have been able to accomplish a lot in a short time for the American people. Again, we focus on our unfinished work—like the healthcare bill. I assure my colleagues, once again, that remains broken, people remain hurting, and we should not rest or give up until we are able to give them some relief, and we are determined to do that.

Mr. President, I want to mention one other piece of legislation that was introduced today which we have been working on for a long time—years, literally, but since the Trump administration came into office, and particularly with Secretary of Homeland Security General Kelly, who has now become the Chief of Staff for the White House.

We have introduced something called the Building America's Trust Act, which is border security legislation that increases resources at our borders while boosting trade through ports of entry and strengthens enforcement of existing laws.

Earlier this year, several of my colleagues and I went to my home State to tour our southern border, including the Rio Grande Valley, Laredo, and Del Rio, TX. The reason I was so glad to welcome my colleagues to visit Texas with me and see the borders is because it is a unique part, not only of our State but a unique part of our Nation.

Each mile along the border presents its own challenge in terms of what is needed to protect it. On this trip, we spoke most notably with Manny Padilla, chief of the Rio Grande Patrol Sector and commander of the Joint

Task Force of the West and South Texas Corridor. Chief Padilla presides over the busiest Border Patrol sector in the United States. He said something then which stuck with me. He pointed out that any border security plan must include a combination of three things, and the way those three things come together may well vary, and will vary, depending on the particular location:

The first is physical infrastructure.

Here is an example of some of the fencing that exists along the border where the Border Patrol believes it is necessary in order to control the flow of people across the border in a way they can be allowed to do their job.

The second is technology—things like this aerostat, with its radar capability. It is literally eyes in the sky, which can allow the Border Patrol to do their job better.

Here is another example of some of the ground-based radar which is available. You can imagine, with a 1,200-mile border between Texas and Mexico alone, it is a huge job and a very complex environment.

Of course, the third thing, in addition to physical infrastructure and technology, is things like personnel. Literally, we need to make sure we have an adequate number of Border Patrol available to deal with people who are coming across the border in violation of our immigration laws.

I believe, until we secure the border and enforce the law, we will never be able to regain the public's confidence, which allows us to do other things we need to do to fix our broken immigration system.

That is why we call this bill the Building America's Trust Act. It does these things—secures our borders with expanded resources, enhances ports of entry to increase trade—because it is important to separate the criminal activity from legitimate trade and commerce, which creates 5 million jobs in the United States alone. That is just by our national trade with Mexico. Of course, it strengthens enforcement of our immigration laws. That is why we have gotten support from the National Border Patrol Council, the Federal Law Enforcement Officers Association, the Southwestern Border Sheriff's Coalition, and the Texas Border Sheriff's Coalition as well, and we have had supportive statements by the Fraternal Order of Police and others.

I firmly believe that until we accomplish this goal—until we regain the public's confidence that we are actually serious about it and we have a plan to do it—we will not be permitted by our constituents to do the other things we know we need to do to fix our broken immigration system.

I know the Presiding Officer was at the White House yesterday with the President, talking about his plan to try to make our legal immigration system more merit-based. This is something we have been trying to do for years now, and I congratulate the Presiding

Officer for helping restart that discussion because we need to focus not only on border security and enforcing our laws, we need to think about and talk about what a 21st century immigration system for our country should look like. Should it be based strictly on family relationships or should it be based on some of the attributes of the immigrant which would benefit the United States—people with advanced degrees and capability, people who can come here and help make our country better, not just come here to become dependent on our country.

The Building America's Trust Act is a chance for our Democratic colleagues who have said they actually believe in border security to demonstrate their support. In fact, we supported one of the toughest border security packages there is. I believe that is what this represents.

It is clear the President has made obvious from the beginning that border security would be a top priority for him. I think it is one of the reasons he was elected on November 8 of last year—because the American people sensed, even if maybe they didn't know the details, that things had gotten out of control, our borders were in chaos, and thousands of people were coming across the border who had no legal right to be here in disregard of our laws. They sensed, in their core, that something was fundamentally wrong—that, yes, we are a nation of immigrants, but we are also a nation of laws—and we have lost that. This is about regaining trust in government and keeping our commitment to the American people.

Over these last few months, I have been working with colleagues, not only in the Senate and the House but with General Kelly in the Department of Homeland Security—now Chief of Staff of the White House—to come up with a strategic plan which addresses various facets of border security and interior enforcement as well. We know about 40 percent of illegal immigration is people who enter the country legally but who overstay their visa and simply melt into the great American landscape.

For too long, those on the frontlines have not had the tools they need to get the job done. These are public servants, like our Border Patrol, who risk their lives to keep us safe, and we simply haven't lived up to our commitment to give them the tools and the political will necessary to support them.

We know the borders are also cause for our local, State, and Federal officials to have to work together, and it makes sense for us to do more to help them do their job at the State and local level as well.

Our bill authorizes additional resources for Border Patrol agents, Customs and Border Protection officers, for agricultural inspectors, and Immigration and Customs Enforcement, or ICE officers. We also provide for additional immigration judges and Federal prosecutors for State and local law enforcement to aggressively fight drug

trafficking, smuggling, and other crimes that, unfortunately, occur along our borders because the organizations—these transnational criminal organizations—really don't care about human life.

We saw that recently when a number of immigrants died in the back of a tractor trailer in a parking lot at Walmart in San Antonio, TX. They are a commodity, a way to make money in the eyes of these cartels who care nothing about human life. Drugs, weapons, and other threats to our country are also part of what they move across the border, and that is why border security is so important.

Our bill also focuses on criminals, gangs, and repeat offenders who return to the United States in defiance of our laws. We have zero tolerance for those criminals in this bill. We end catch-and-release, and we include Kate's Law, a bill recently passed by the House that increases penalties for those who repeatedly cross our borders illegally. The bill is named after Kate Steinle, who was so tragically murdered in San Francisco.

We hold sanctuary cities accountable because no city should be able to defy cooperation with Federal law enforcement officials. We are not asking them to do the Federal Government's job, but they do have an obligation, as we all do as American citizens, to cooperate and work with our law enforcement officials.

We impose tough penalties on Federal funds for jurisdictions that fail to comply with lawful Federal immigration enforcement requests. To curb the abuse of visas, our bill utilizes a biometric entry-exit system at ports of entry to identify visa overstays and cut off immigration benefits to those who exploit the system.

We also make sure to invest in our ports of entry. These are the ways that people come into our country legally and engage in commerce and trade, which is mutually beneficial. We can't neglect our trading partnerships with our neighbors to the south because we depend on that trade to create and sustain 5 million jobs in the United States alone.

The Building America's Trust Act will also help boost the flow of commerce through our ports so that legitimate trade can continue to flourish. This bill also includes a large investment of resources to improve our ports of entry, to help target and isolate illegal immigration and drug trafficking at ports while facilitating increased, legitimate trade and travel.

Perhaps most importantly, this bill also requires that the Department of Homeland Security and law enforcement officials consult with local officials every step of the way. The people who live in our border communities know best how to help control illegal traffic and illegal activity, but it is the Federal Government's responsibility to step up and help them. They understand the benefits of legitimate travel

and trade and traffic, all of which are important parts of a successful border security effort.

Border security really is not a one-size-fits-all plan. As Chief Padilla said, it is always a combination of technology, personnel, and tactical infrastructure—wall systems, fences, and the like. We need an approach that will work for each unique area with input and stakeholder consultation at every step to ensure that the right solution is achieved for all involved.

As I have said, I am happy to have support for this legislation from several law enforcement organizations. I look forward to working with all of my colleagues in both Chambers, as well as the administration, toward our goal of protecting our Nation and securing our borders.

I firmly believe that border security, ultimately, is a matter of political will. This President has the political will, and this Congress should have the political will to get the job done. This was the commitment that he made and that we need to make to the American people and that, I think, informed their vote on November 8, 2016.

With this legislation as a guide, we aren't just securing our borders for tomorrow. We are looking ahead and locking in a framework that will exist long after President Trump leaves office.

With the Building America's Trust Act, I hope we can do just that and, again, finally regain the public's confidence by earning that confidence and restoring order and lawfulness to our broken immigration system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I agree with the distinguished Senator from Texas. I thought his remarks were very much on point and very good.

MODERN ANTITRUST LAW

Mr. HATCH. Mr. President, I rise today to speak on a policy matter that has been generating substantial attention recently, and that is modern antitrust law. This issue is critical. In the perennial debate over the proper role of government in economic affairs, it will grow all the more critical in the years to come.

New technologies, creating markets not even imaginable only a decade ago, are spurring fundamental shifts in the economic landscape. In the national news, mergers between corporate giants or new fines imposed by foreign regulators are becoming an acceptable thing almost every day. In the Senate, we increasingly see antitrust law dragged into larger economic arguments that are heavier in inflammatory rhetoric than in careful deliberation. Allow me, then, to offer a few thoughts on the matter, and to directly address the rising controversy.

America has always been—and, I haven't a doubt, will remain—the eco-

nomic and technological marvel of the world. Cradled in the best traditions of the West and animated by a culture equal parts industrious, creative, and restless, our system has produced the most prosperous people in human history. It has shown its shortcomings, to be sure. But on the whole, the American economy is unrivaled by any other. Indeed, at times its blessings are so bountiful, its provisions for the creation of wealth so effective, that we tend to take it for granted in this country. We tend, at times, to forget what got us here.

A big part of what got us here is American antitrust law. You see, all throughout history, societies and governments have tended toward the central planning of economic activity.

America, however, chose a different path. We refused to yield to the false comforts of collectivism. We opted, instead, for an economy that was vibrant, tumultuous, competitive, and free. It is fortunate that we did, for we have found that in the impossible complexity and unsettling chaos of the market—wherein millions of consumers and producers make millions of individual and uncoordinated decisions each and every day—a spontaneous order arises that serves all of us far better than any central authority ever could. Of course, our markets work toward those ends only when they are genuinely free, fair, and competitive. That is where antitrust comes in.

In a very real sense, antitrust is the capitalist's answer to the siren song of the central planner. When antitrust doctrine is referred to as the Magna Carta of the free enterprise system, I suspect this is what we mean.

Let me be clear: Antitrust doctrine in this country has not always gotten it right. As we all know, early antitrust policy tended to confuse protection of market participants for protection of the market itself; it was quick to micromanage particular industries, to choose ad hoc intervention over predictable systems of incentives, and to cast suspicion on any market too concentrated or business too big.

Fortunately, antitrust doctrine grows and adapts. It develops in the same wonderful tradition and manner as the common law. Just as the common law historically gave us property, contract, and commercial rights, so too upon their basis does antitrust seek, year by year, to give us markets that are competitive and free. Thus, the modern era of antitrust has produced a fundamental improvement in our competitive doctrine.

We have steadily adopted the consumer welfare standard, which judges the conduct of firms and the arrangement of markets by what will maximize efficiency and therein serve consumers most completely.

There will always be market failures to account for and noneconomic concerns to keep in mind. But when it comes to the core, basic functioning of the market—how to deliver the most